

Federal Operating Permit
Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300, of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Neuman Aluminium Impact Extrusion, Inc.
Facility Name:	Neuman Aluminium Impact Extrusion, Inc.
Facility Location:	1418 Genicom Drive Waynesboro, Virginia 22980
Registration Number:	81346
Permit Number:	VRO81346

August 10, 2011

Effective Date

August 9, 2016

Expiration Date

-Amy T. Owens

Regional Director

August 5, 2011

Signature Date

Table of Contents, one page.
Permit Conditions, 24 pages.

Table of Contents

I. FACILITY INFORMATION	3
II. EMISSION UNITS	4
III. PROCESS EQUIPMENT REQUIREMENTS – UNIT IDS 1, 3, AND 7	5
A. LIMITATIONS	5
B. MONITORING	8
C. RECORDKEEPING	12
D. TESTING	13
E. REPORTING	13
IV. INSIGNIFICANT EMISSION UNITS	15
V. PERMIT SHIELD & INAPPLICABLE REQUIREMENTS	15
VI. GENERAL CONDITIONS	16
A. FEDERAL ENFORCEABILITY	16
B. PERMIT EXPIRATION	16
C. RECORDKEEPING AND REPORTING	17
D. ANNUAL COMPLIANCE CERTIFICATION	18
E. PERMIT DEVIATION REPORTING	19
F. FAILURE/MALFUNCTION REPORTING	19
G. SEVERABILITY	20
H. DUTY TO COMPLY	20
I. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE	20
J. PERMIT MODIFICATION	20
K. PROPERTY RIGHTS	20
L. DUTY TO SUBMIT INFORMATION	21
M. DUTY TO PAY PERMIT FEES	21
N. FUGITIVE DUST EMISSION STANDARDS	21
O. STARTUP, SHUTDOWN, AND MALFUNCTION	22
P. ALTERNATIVE OPERATING SCENARIOS	22
Q. INSPECTION AND ENTRY REQUIREMENTS	22
R. REOPENING FOR CAUSE	23
S. PERMIT AVAILABILITY	23
T. TRANSFER OF PERMITS	24
U. MALFUNCTION AS AN AFFIRMATIVE DEFENSE	24
V. PERMIT REVOCATION OR TERMINATION FOR CAUSE	25
W. DUTY TO SUPPLEMENT OR CORRECT APPLICATION	25
X. STRATOSPHERIC OZONE PROTECTION	25
Y. ASBESTOS REQUIREMENTS	26
Z. ACCIDENTAL RELEASE PREVENTION	26
AA. CHANGES TO PERMITS FOR EMISSIONS TRADING	26
BB. EMISSIONS TRADING	26

I. Facility Information

Permittee

Neuman Aluminium Impact Extrusion, Inc.
1418 Genicom Drive
Waynesboro, Virginia 22980

Responsible Official

Roger Taylor
Plant Manager

Facility

Neuman Aluminium Impact Extrusion, Inc.
1418 Genicom Drive
Waynesboro, Virginia 22980

Contact Person

David Whitlock
Environmental Manager
540-213-9719

County-Plant Identification Number: 51-820-0137

Facility Description: NAICS 332431 – Metal Cans Manufacturing

Neuman Aluminium Impact Extrusion, Inc. operates an aluminum can manufacturing facility. Processes at the facility include tumbling of aluminum slugs, impact extruding the slugs into cans, cleaning the cans in vapor degreasers, and packaging.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity ¹	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Degreasing Equipment							
1	1	36-inch x 96-inch Detrex in-line vapor degreaser	3600 parts/hour	Freeboard Refrigeration Device	1	TCE ² (HAP ³), VOC ⁴	12/11/2000 as amended 11/19/2010
				Freeboard Ratio of 1.0	--		
				Reduced Room Draft	--		
				Freeboard Ratio of 1.0	--		
				Reduced Room Draft	--		
3	3	24-inch x 72-inch Detrex in-line vapor degreaser	3600 parts/hour	Freeboard Refrigeration Device	3	TCE (HAP), VOC	12/11/2000 as amended 11/19/2010
				Freeboard Ratio of 1.0	--		
				Reduced Room Draft	--		
7	7	24-inch x 42-inch Detrex in-line vapor degreaser	4000 parts/hour	Freeboard Refrigeration Device	7	TCE (HAP), VOC	12/11/2000 as amended 11/19/2010
				Freeboard Ratio of 1.0	--		
				Reduced Room Draft	--		

1. The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.
2. Trichloroethylene
3. Hazardous Air Pollutant
4. Volatile Organic Compound

III. Process Equipment Requirements – Unit IDs 1, 3, and 7

The following terms and conditions are from 40 CFR 63, Subpart T. As used in this section, all terms shall have the meaning as defined in 40 CFR 63.2 and 63.461.

A. Limitations

1. Air disturbance across each vapor degreaser shall be controlled by incorporating a reduced room draft. The permittee shall achieve a reduced room draft by:
 - a. Ensuring that the flow or movement of air across the top of the freeboard area of each vapor degreaser or within each vapor degreaser enclosure does not exceed 15.2 meters per minute (50 feet per minute) at any time, as measured using the procedures in Conditions III.B.3 and III.B.4.
 - b. Establishing and maintaining the operating conditions at which the wind speed was demonstrated to be 15.2 meters per minute (50 feet per minute) or less.

(9 VAC 5-80-110 and Condition 3 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)

2. Each vapor degreaser shall be equipped with a freeboard refrigeration device. The permittee shall ensure that the chilled air blanket temperature (in °F), measured at the center of the air blanket, is no greater than 30 percent of the solvent's boiling point.

(9 VAC 5-80-110 and Condition 4 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)

3. Each vapor degreaser shall have a freeboard ratio of 1.0.

(9 VAC 5-80-110 and Condition 5 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)

4. Each vapor degreaser shall have an automated parts handling system capable of moving parts or parts baskets at a speed of 3.4 meters per minute (11 feet per minute) or less from the initial loading of parts through removal of cleaned parts.

(9 VAC 5-80-110 and Condition 6 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)

5. Each vapor degreaser shall be equipped with a device that shuts off the sump heat if the sump liquid solvent level drops to the sump heater coils.

(9 VAC 5-80-110 and Condition 7 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)

6. Each vapor degreaser shall be equipped with a vapor level control device that shuts off sump heat if the vapor level in the vapor degreaser rises above the height of the primary condenser.
(9 VAC 5-80-110 and Condition 8 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)
7. Each vapor degreaser shall have a primary condenser.
(9 VAC 5-80-110 and Condition 9 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)
8. The permittee shall meet all of the following work and operational practices:
 - a. Control air disturbances across the vapor degreaser openings by incorporating a reduced room draft as described in Condition III.A.1.
 - b. The parts baskets or the parts being cleaned in an open-top vapor cleaning machine shall not occupy more than 50 percent of the solvent/air interface area unless the parts baskets or parts are introduced at a speed of 0.9 meters per minute (3 feet per minute) or less.
 - c. Any spraying operations shall be done within the vapor zone or within a section of the solvent cleaning machine that is not directly exposed to the ambient air (i.e., a baffled or enclosed area of the solvent cleaning machine).
 - d. Parts shall be oriented so that the solvent drains from them freely. Parts having cavities or blind holes shall be tipped or rotated before being removed from any vapor degreaser unless an equally effective approach has been approved by the DEQ.
 - e. Parts baskets or parts shall not be removed from any vapor degreaser until dripping has stopped.
 - f. During startup of each vapor degreaser, the primary condenser shall be turned on before the sump heater.
 - g. During shutdown of each vapor degreaser, the sump heater shall be turned off and the solvent layer allowed to collapse before the primary condenser is turned off.
 - h. When solvent is added to or drained from any vapor degreaser, the solvent shall be transferred using threaded or other leak proof couplings and the end of the pipe in the solvent sump shall be located beneath the liquid solvent surface.

- i. Each vapor degreaser and associated controls shall be maintained as recommended by the manufacturer of the equipment or using alternative maintenance practices that have been demonstrated, to the DEQ's satisfaction, to achieve the same or better results as those recommended by the manufacturer.
- j. Each operator of a vapor degreaser shall complete and pass the applicable sections of the test of solvent cleaning operating procedures in 40 CFR 63, Subpart T, Appendix A, if requested during an inspection by the DEQ or the EPA.
- k. Waste solvent, still bottoms, and sump bottoms shall be collected and stored in closed containers. The closed containers may contain a device that would allow pressure relief but would not allow liquid solvent to drain from the container.
- l. Sponges, fabric, wood, and paper products shall not be cleaned.

(9 VAC 5-80-110 and Condition 10 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)

9. An exceedance has occurred if:

- a. The operating conditions established under Condition III.A.1.b. are not met.
- b. The chilled air blanket temperature required in Condition III.A.2 has not been met and was not corrected within 15 calendar days of detection. Adjustments or repairs shall be made to the vapor degreaser or control device to reestablish required levels. The parameter must be re-measured immediately upon adjustment or repair and demonstrated to be within required limits.
- c. The wind speed required in Condition III.A.1.a. has not been met and was not corrected within 15 calendar days of detection. Adjustments or repairs shall be made to the vapor degreaser or control device to reestablish required levels. The parameter must be re-measured immediately upon adjustment or repair and demonstrated to be within required limits.

(9 VAC 5-80-110 and Condition 11 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)

10. Visible emissions from each vapor degreaser shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity.
(9 VAC 5-50-80 and 9 VAC 5-80-110)

11. Emissions from the operation of the vapor degreasers (Unit IDs 1, 3, and 7) shall not exceed the limits specified below:

Volatile Organic Compounds (VOC)	15.54 tons/yr
Trichloroethylene (TCE) (CAS No. 79-01-6)	15.54 tons/yr (14,100 kg/yr)

(9 VAC 5-80-110 and Condition 13 of 12/11/2000 permit, as amended 11/19/2010 and 8/2/2011)

12. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment and process equipment which affect such emissions:
- Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
 - Maintain an inventory of spare parts.
 - Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
 - Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures, prior to their first operation of such equipment. The permittee shall maintain records of the training provided including the names of trainees, the date of training, and the nature of the training.

(9 VAC 5-80-110 and Condition 26 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)

B. Monitoring

- On a weekly basis, the permittee shall use a thermometer or thermocouple to measure the temperature at the center of the air blanket during the idling mode.
(9 VAC 5-80-110 and Condition 14 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)
- The permittee shall monitor the automated parts handling system speed as described below:
 - The permittee shall determine the automated parts handling system speed by measuring the time it takes for the automated parts handling system to travel a

measured distance. The speed is equal to the distance in meters (feet) divided by the time in minutes (meters per minute or feet per minute).

- b. The monitoring shall be conducted monthly. If after the first year no exceedances of the automated parts handling system speed are measured, the permittee may begin monitoring the automated parts handling system speed quarterly.
- c. If an exceedance of the automated parts handling system speed occurs during quarterly monitoring, the monitoring frequency returns to monthly until another year of compliance without an exceedance is demonstrated.

(9 VAC 5-80-110 and Condition 15 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)

- 3. For reduced room draft, as maintained by controlling room parameters (i.e. redirecting fans, closing doors and window, etc.), the permittee shall conduct quarterly monitoring of the wind speed and weekly monitoring of the room parameters as specified below:
 - a. Measure initially and then on a quarterly basis the wind speed within six inches above the top of the freeboard area of the vapor degreaser as specified below:
 - i. Determine the direction of the wind current by slowly rotating a velometer or similar device until the maximum speed is located.
 - ii. Orient a velometer in the direction of the wind current at each of the four corners of the degreaser.
 - iii. Record the reading for each corner.
 - iv. Average the values obtained at each corner and record the average wind speed.
 - b. Monitor initially and then on a weekly basis the room parameters established during the initial compliance test that are used to achieve the reduced room draft.

(9 VAC 5-80-110 and Condition 16 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)

4. For reduced room draft, as achieved by an enclosure (full or partial), the permittee shall conduct monthly monitoring tests of the wind speed within the enclosure, as specified below:
 - a. Determine the direction of the wind current in the enclosure by slowly rotating a velometer inside the entrance to the enclosure until the maximum speed is located.
 - b. Record the maximum wind speed.

Each month, the permittee shall perform a visual inspection of the enclosure to determine if it is free of cracks, holes, and other defects.

(9 VAC 5-80-110 and Condition 17 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)

5. The permittee shall, on the first operating day of every month, demonstrate compliance with the facility-wide emission limit in Condition III.A.11. on a 12-month rolling total basis using the following procedures:
 - a. Ensure that each solvent cleaning machine system contains only clean liquid solvent.
 - b. Determine solvent emissions, using the records of all solvent additions and deletions from the previous month, from each solvent cleaning machine using Equation 1:

$$E_{unit} = SA_i - LSR_i - SSR_i \quad \text{.....Equation 1}$$

Where:

E_{unit} = the total TCE emissions from the solvent cleaning machines during the month i, (pounds TCE per month)

SA_i = the total amount of TCE added to the solvent cleaning machines during the month i, (pounds of TCE per month)

LSR_i = the total amount of TCE removed from the solvent cleaning machines during the month i, (pounds of TCE per month)

SSR_i = the total amount of TCE removed from the solvent cleaning machines in solid waste, determined as stated in Condition III.B.5.c, during the month i, (pounds of TCE per month)

- c. Determine solid waste (SSR) removed from the solvent cleaning machines, using EPA Method 25d or engineering calculation, as approved by the DEQ.
- d. On the first operating day of the month, determine the 12-month rolling emissions for each vapor degreaser, ET_{unit} , using Equation 2:

$$ET_{unit} = \sum_{j=1}^{12} E_{unit} \quad \dots\dots\dots \text{Equation 2}$$

Where:

ET_{unit} = the total TCE emissions over the preceding months (pounds TCE emissions per 12-month period)

E_{unit} = TCE emissions for each month (j) for the most recent 12 months (pounds TCE per month)

- e. On the first operating day of the month, determine the 12-month rolling total emissions, $ET_{facility}$, using Equation 3:

$$ET_{facility} = \sum_{j=1}^i ET_{unit} \quad \dots\dots\dots \text{Equation 3}$$

Where:

$ET_{facility}$ = the total TCE emissions over the preceding 12 months for all vapor degreasers at the facility (pounds of TCE emissions per 12-month period)

ET_{unit} = the total TCE emissions over the preceding 12 months for each unit, j, where i equals the total number of vapor degreasers at the facility (pounds of TCE emissions per 12-month period)

- f. If the facility-wide emission limit in Condition III.A.11 is not met based on the results of the calculations from Equations 1, 2, and 3, an exceedance has occurred. All exceedances shall be reported as stated in Condition III.E.

(9 VAC 5-80-110 and Condition 18 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)

C. Recordkeeping

1. For each vapor degreaser, the permittee shall maintain records of:
 - a. Owner's manuals, or if not available, written maintenance and operating procedures for the vapor degreaser and control equipment.
 - b. The date of installation for the vapor degreaser and all of its control devices. If the exact date for installation is not known, a letter certifying that the vapor degreaser and its control devices were installed prior to, or on, November 29, 1993, or after November 29, 1993, may be substituted.
 - c. Records of halogenated HAP solvent content for each solvent used in the vapor degreasers.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-50-50, 9 VAC 5-80-110 and Condition 19 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)

2. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the DEQ. These records shall include, but are not limited to:
 - a. The results of control device monitoring required in Conditions III.B.1, III.B.2, III.B.3, and III.B.4.
 - b. Information on the actions taken to comply with Condition III.A.9. This information shall include records of written or verbal orders for replacement parts, a description of the repairs made, and additional monitoring conducted to demonstrate that monitored parameters have returned to acceptable levels.
 - c. The dates and amounts of TCE added to and deleted from each vapor degreaser.
 - d. The solvent composition of the wastes removed from each vapor degreaser as determined using the procedures in Condition III.B.5.c.
 - e. The annual emissions of VOC and TCE, calculated monthly as the sum of each consecutive 12 month period. All calculation sheets showing how the monthly emissions and the 12-month rolling total emissions from each vapor degreaser were determined shall also be retained.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-50-50 and 9 VAC 5-80-110 and Condition 20 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)

D. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the DEQ, test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-80-110)

E. Reporting

1. The permittee shall submit an annual report to the DEQ by **March 1** of the year following the one for which the report is being made. The report shall include:
 - a. A signed statement from the facility owner or his designee stating that “All operators of vapor degreasers have received training on the proper operation of the vapor degreasers and their control devices sufficient to pass the test required in 40 CFR 63.463(d)(10)” [Condition III.A.8. j].
 - b. The average monthly solvent consumption in kilograms per month.
 - c. The 12-month rolling total emission estimates calculated each month using the procedures defined in Condition III.B.5.
 - d. Any exceedances of the facility-wide emission limit as determined using the procedures in Condition III.B.5.

One copy of the annual report shall be sent to the EPA at the following address:

U.S. Environmental Protection Agency, Region III
ATTN: Halogenated Solvent Cleaning NESHAP Coordinator (3AP10)
1650 Arch Street
Philadelphia, PA 19103-2029

(9 VAC 5-80-110 and Condition 21 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)

2. The permittee shall submit an exceedance report to the DEQ semiannually. Exceedance reports shall be delivered or postmarked by the 30th calendar day following the end of each calendar half. The exceedance report shall include:
 - a. Information on actions taken to comply with Condition III.A.9. This information shall include records of written or verbal orders for replacement parts, a description of the repairs made, and additional monitoring conducted to demonstrate that monitored parameters have returned to accepted levels.
 - b. If an exceedance has occurred, the reason for the exceedance and a description of the actions taken.
 - c. If no exceedances of a parameter have occurred, or a piece of equipment has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in the report.

Once an exceedance has occurred, the permittee shall follow a quarterly reporting format until a request to reduce reporting frequency under Condition III.E.2 is approved. A copy of each exceedance report shall be sent to EPA at the address listed in Condition III.E.1.

(9 VAC 5-80-110 and Condition 22 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)

3. If the permittee is required to submit exceedance reports on a quarterly basis, the frequency of reporting may be reduced to semiannual if the following requirements are met:
 - a. The permittee has demonstrated a full year of compliance without an exceedance.
 - b. The permittee continues to comply with all recordkeeping and monitoring requirements.

The frequency of submission may be reduced if a written request is received and approved by the DEQ. A copy of the request shall be sent to EPA at the address listed in Condition III.E.1.

(9 VAC 5-80-110 and Condition 23 of 12/11/2000 Permit, as amended 11/19/2010 and 8/2/2011)

IV. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
11	Distillation unit for degreasers (electric)	9 VAC 5-80-720 B	TCE	--
12	Tumblers	9 VAC 5-80-720 B	PM-10	--
13	Impact Extrusion	9 VAC 5-80-720 B	PM-10, VOC	--
14	Aboveground storage tank for TCE	9 VAC 5-80-720 B	TCE	--
17	Aboveground storage tank for liquid propane	9 VAC 5-80-720 B	VOC	--
19	Natural gas-fired space heaters	9 VAC 5-80-720 C	--	1.4 Million Btu/hr, total
20	Four portable kerosene heaters	9 VAC 5-80-720 A	--	--
21	Propane-fueled forklift	9 VAC 5-80-720 A	--	--
22	Consolidated Engineer Co. (CEC) natural gas-fired drop-bottom heat treat furnace	9 VAC 5-80-720 C	--	4.0 Million Btu/hr
23	CEC natural gas-fired age oven No. 1	9 VAC 5-80-720 C	--	1.6 Million Btu/hr
24	CEC natural gas-fired age oven No. 2	9 VAC 5-80-720 C	--	1.6 Million Btu/hr
25	Natural gas-fired water heater	9 VAC 5-80-720 C	--	0.6 Million Btu/hr
26	Natural gas-fired water heater	9 VAC 5-80-720 C	--	0.6 Million Btu/hr
27	Propane-fired water heater for aqueous washer	9 VAC 5-80-720 B	Criteria pollutants, HAP	--

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

V. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
None identified	--	--

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

VI. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months, but no earlier than eighteen months, prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal, but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied, and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9

VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM), which indicate an exceedance of emission limitations or operational restrictions; or,
 - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ, no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.

2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent and, if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.
7. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

R3_APD_Permits@epa.gov

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the DEQ within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VI.C.3 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the DEQ by facsimile transmission, telephone or telegraph of such failure or malfunction and shall, within 14 days of discovery, provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-

50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the DEQ.
(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.3.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations

from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).

(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)